

Indiana tightens eminent domain law

In 2005, the U.S. Supreme Court ruled that local governments can use the process of eminent domain to take private property, such as homes and businesses, in order to hand it over to a private developer.

Indiana lawmakers immediately began working on a plan to protect the property rights of Hoosiers. Months of bipartisan work resulted in legislation that tightens Indiana's eminent domain laws and restricts the ability of most government units to seize private property and transfer it to private entities for development.

The new law sets strict standards for property acquisition through eminent domain, and limits its use to only truly blighted and decaying properties. This will prevent a developer from being able to have a local government use eminent domain to seize your property simply because they think it might be a good spot for a new strip mall.

It received unanimous support, though there are still potential problems that need to be addressed. Most troublesome is the fact that the Indiana Department of Transportation (INDOT) is exempt from complying with the new restrictions.

There are concerns that INDOT will use this exemption to seize property for some of the road privatization projects proposed by the Governor, such as the Interstate 69 extension or other unannounced projects in other areas of the state.

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Representative Peggy Welch

Dear District 60 Citizen,

Well, your Indiana General Assembly completed its work in March. Since this was a short session, meaning a non-budget year, the number of bills introduced and enacted into law was less than a long session. However, several important pieces of legislation were passed into law this session.

Inside, you will find a summary of some of this legislation, including the Governor's Major Moves plan, new laws regarding the shipping of wine, and ways in which eminent domain laws were strengthened to protect Hoosiers.

In the following weeks I will send an additional newsletter to you outlining the number of bills introduced and passed as well as summaries of legislation.

I consider one of my jobs as both a legislator and cancer nurse is to help educate those I serve. Included in this newsletter is some important life-saving information on colon cancer.



I am now back to work as a nurse at Bloomington Hospital, but I continue my duties as a legislator throughout the year. Please feel free to contact me with ideas for legislation, questions about legislative issues, or if you need help with a state agency.

It is my hope that you are having a safe and wonderful spring!

Sincerely,

Peggy Welch

Representative Peggy Welch

Indiana House of Representatives
200 W. Washington
Indianapolis, IN 46204

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2006 Session Report

New winery legislation

I am pleased to report that we were able to help protect the future of Indiana's farm wineries.

The process of achieving this goal was for many folks an eye-opening lesson about the legislative process. It was an emotional

roller coaster for the winery owners and those of us who support the success and growth of these agribusiness and agri-tourism ventures.

In spite of powerful opposition, legislation has been signed into law and

Rep. Welch

will allow our wineries to do direct shipping—in and out of state.

There are restrictions as to how that can happen, but the wineries are satisfied with the outcome.

The wineries have to ensure that they are not selling to minors by requiring that the consumer has certified to the seller proof of age by an Indiana issued driver's license or identification card showing the consumer to be at least 21.

Major Moves Why I voted no to leasing Toll Road

I am sure that you are aware of this, but unfortunately, Governor Daniel's plan to lease the northern Indiana toll road and make portions of I-69 a tollway was passed by the Indiana General Assembly. Governor Daniels signed the bill the day after it passed. Major Moves is now law and the contract has been signed to lease the northern Indiana toll road.

I have a simple philosophy that helps keep me grounded when things are stressful. I ask myself, "Is anyone going to die?" Ninety-nine percent of the time the answer is no (it is only yes sometimes when I am working as a nurse). However, the day after we completed session, I kept telling myself that no one died, but I sure felt sad.

The Indiana General Assembly passed a bill that will have effects for generations to come. Those supporting the Major Moves legislation believe those effects will only be positive. And it is my hope that they are right. However, I had no assurances that Major Moves was the best action for the state's future. And, at least based on what I heard from many constituents and what the state-wide surveys indicated, the majority of Hoosiers were also not assured that this was a good idea.

I had the opportunity to vote "no" three times on the Major Moves bill. My reasons for voting against the bill did not significantly change:

- a lot of power is put into the hands of a few;
- there is very little legislative input or oversight for the privatizing of Indiana roads and bridges;
- it feels like the whole deal is "too good to be true," and there was no objective financial evaluation to prove to me otherwise;
- the great potential of "cronyism" and ethical abuses with almost \$4 billion worth of contracts;
- the fast-paced push for approval of a 75-year lease contract, with no ability to reverse a bad decision;
- the tolling of Hwy 37 after it is upgraded to I-69.

This last reason was important to all I heard from, even those like me who are supportive of I-69. The language of the new law is different than what was passed by the House. Now, I-69 from Evansville to the city limits of Martinsville will be tolled, but the portion of I-69 from Martinsville to Indianapolis will be toll free. One of the reasons I have supported I-69 is for the potential for the economic development enhancement for southwest Indiana. I believe that the tolling of the interstate in this portion of the state will only be a drag on that economic development.

I was hesitant about this instant gratification provided by Major Moves. Governor Daniels stated that it was his intent to spend the money as fast he could...which just goes against Hoosier common sense. Fortunately, the final bill provided for a protected trust account of \$500 million.

Please know that many of my colleagues and I heard the concerns of those we serve, and we voted "no." We, too, want a vibrant economy, lots of new, good-paying jobs, and for Indiana to continue to be the "Crossroads of America." Unfortunately, there were not enough of us to slow down the process to make sure Major Moves was the best answer for achieving those goals.



Colon Cancer Awareness



Above: Rep. Welch works at a Colon Cancer Awareness event for Bloomington Hospital.

•Colorectal cancer (commonly known as colon cancer) develops in the colon or rectum.

•In 2006, an estimated 148,610 new colon and rectum cancer cases will be diagnosed in the United States. Unfortunately, this year an estimated 55,170 people will die of the disease.

•Colon cancer is the second leading cause of cancer death in the U.S.

•Men and women 50 years and older are at highest risk of colon cancer.

•Colon cancer can be prevented with testing. Removal of polyps before they become cancerous can stop colon cancer before it starts. If a polyp has already become cancer, but the cancer is found early, there is a 90 percent five-year survival rate.

Meeting with groups from District 60

During this past session numerous groups have visited the statehouse from our district. It has been my pleasure to meet the individuals in these groups. If you are interested in visiting with me at the statehouse please contact my legislative assistant, Kristen Pixley, at 317-234-3101.



Representatives from the Downtown Bloomington Board of Directors stand with Rep. Welch as she honors the Downtown Main Street Program during a resolution on the House floor.



Rep. Welch talks with students and parents from Lighthouse Christian Academy.



Rep. Welch and Rep. Matt Pierce meet with realtors from Monroe County at the Statehouse.